

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1, 2, 4-6, 8-10, and 12 are pending in this case. Claims 2 and 4 are amended by the present amendment only to correct matters of form and, thus, add no new matter.

Further, the amendments in the present amendment are made only to comply with requirements of form expressly set forth in the outstanding Office Action and are, therefore, properly submitted under 37 C.F.R. § 1.116(b)(1).

In the outstanding Office Action, Claims 2, 4, 6, 8, 10, and 12 were objected to, and Claims 1, 2, 4-6, 8-10, and 12 were rejected under 35 U.S.C. § 102(b) as anticipated by Nakakuki, et al. (U.S. Patent No. 6,822,689, herein "Nakakuki").

With regard to the objection to Claims 2, 4, 6, 8, 10, and 12, Claims 2 and 4 are amended to recite "said control part for the image pick up device" because Claim 1, from which Claims 2 and 4 depend, recites "said control part for the image pick up device". However, Claims 6, 8, 10, and 12 do not present an antecedent basis issue. Claim 5, from which Claims 6 and 8 depend, recites "an image pick up device control part," and Claims 6 and 8 recite "said image pick up device control part." Claim 9, from which Claims 10 and 12 depend, recites "an image pick up device control part," and Claims 10 and 12 recite "said image pick up device control part." Because Claims 2 and 4 are corrected and Claims 6, 8, 10, and 12 have been shown to be proper in their present form, Applicant respectfully requests that the objection to Claims 2, 4, 6, 8, 10, and 12 be withdrawn.

Applicant now respectfully traverses the rejection of the pending claims under 35 U.S.C. § 102(b).

Claim 1 is directed to an imaging apparatus and includes:

a setup part for an exposure period configured to generate a timing signal which prescribes an exposure period of an image pick up device;
a control part for the image pickup device configured to control an operation of said image pick up device in synchronization with said timing signal of the exposure period;
a timing part configured to measure an elapsed time from the timing signal of the exposure period; and
an imaging apparatus control part configured to control said control part for the image pick up device and said setup part for the exposure period,
wherein said timing part measures an elapsed time from the exposure period timing signal right before a beginning of an exposure setup operation to the beginning of the exposure setup operation by said setup part for the exposure period, and when a time from the beginning of the exposure setup operation to a generation of a next exposure period timing signal, the time being calculated by using the measured elapsed time, is equal to or greater than a predetermined time, said imaging apparatus control part shortens the time till the generation of the next exposure period timing signal from a regular exposure period.

The outstanding Office Action asserts that Nakakuki teaches every element of Claim

1. Specifically, the outstanding Office Action states, at page 3, that the counter 17 of Nakakuki teaches a timing part as defined by Claim 1.

Nakakuki describes an imaging apparatus with an initial exposure time L set by second exposure information D2 and subsequent exposure time L set by first exposure information D1, which is updated based on integration information I. In Nakakuki, as described at column 4, line 58, to column 5, line 7, selection between first exposure information D1 and second exposure information D2, used for direct designation of exposure time L, is switched according to a vertical synchronous signal VD or, specifically, when the counter 17 counts VD signals.

However, Nakakuki does not teach or suggest a timing part as defined by Claim 1.

The counter 17 of Nakakuki, which is asserted as a timing part, “**counts vertical synchronous signals VD,**” as stated at column 4, lines 60-61, of Nakakuki. The counter 17

of Nakakuki is not “configured to **measure an elapsed time**,” as recited in Claim 1, but, rather, to **count vertical synchronous signals VD**, which have a constant period.

Additionally, the counter 17 of Nakakuki is not configured to measure an elapsed time “**from the timing signal of the exposure period**,” defined by Claim 1 as a signal that “prescribes an exposure period of the image pick up device.” Instead, as described at column 4, lines 58-60, of Nakakuki, the counter 17 is reset when the imaging operation is turned on or by automatic or manual trigger. Thus, the counter 17 of Nakakuki does not teach or suggest the timing part as defined by Claim 1.

Further, Claim 1 recites that “when...the time being calculated by using the measured elapsed time, is equal to or greater than a predetermined time, said imaging apparatus control part **shortens the time till the generation of the next exposure period timing signal from a regular exposure period**.” Nakakuki does not teach or suggest measuring elapsed time, as discussed above, and, therefore, cannot teach or suggest this feature of Claim 1. Further, Nakakuki, as described above, selects between first exposure information D1 and second exposure information D2 based on the counter 17, thereby changing exposure time L, but does not teach or suggest changing “the time till the generation of the next exposure period timing signal,” as recited in Claim 1.

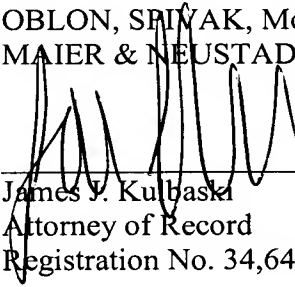
Because Nakakuki does not teach or suggest at least the above-discussed elements of Claim 1, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(b) of Claim 1 and Claims 2 and 4, which depend therefrom, be withdrawn.

Claims 5 and 9, though differing in scope and statutory class from Claim 1, patentably define over Nakakuki for substantially the same reasons as Claim 1. Thus, Applicant respectfully requests that the rejection under 35 U.S.C § 102(b) of Claim 5, Claims 5 and 8, which depend therefrom, Claim 9, and Claims 10 and 12, which depend therefrom, be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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